

REMARKS

Claims 2, 4-6, 8, 9, 11, 13-15, 17, 19, 24-27, 29-31, 33, 37 and 39-44 are pending. By this Amendment, claims 6, 8, 9, 11, 13-15, 17 and 42 are amended; and claims 7, 12 and 16 are canceled without prejudice to or disclaimer, and claims 1, 3, 10, 18, 20-23, 28, 32, 34-36 and 38 were previously canceled. Applicants acknowledge and thank the Examiner for indicating that claims 2, 4, 5, 19, 24-27, 29-31, 33, 37, 39-41 and 44 are allowed, and claim 16 contains allowable subject matter. By this Amendment, it is believed that all the claims are allowable. Accordingly, reconsideration is respectfully requested.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 6-9 under 35 U.S.C. §103(a) over Hill (U.S. Patent No. 5,057,866) in view of Swerling (U.S. Patent 4,192,451); rejects claims 11, 12, 17, 42 and 43 under 35 U.S.C. §103(a) over Hill in view of Swerling; rejects claims 13 and 15 under 35 U.S.C. §103(a) over Hill in view of Swerling and further in view of Kennedy (U.S. Patent No. 4,241,406) and rejects claim 14 under 35 U.S.C. §103(a) over Hill in view of Swerling, and further in view of Rosenbaum (U.S. Patent 6,584,430). The rejections are respectfully traversed.

In particular, neither Hill, Swerling, Kennedy nor Rosenbaum, individually or in combination, discloses or suggests a remote diagnostic system sends a communication including a revised set of operating instructions based on the analysis of a digitized (signature) waveform, as recited in independent claim 6, and similarly recited in independent claims 11 and 42.

The Office Action admits that Hill does not disclose this feature. However, the Office Action asserts that Swerling discloses the feature. Swerling discloses in the Abstract a digital diagnostic system that employs signature analysis for locating faults at a system, module or circuit component in electronic equipment. The diagnostic system exercises a device under

test to generate signatures which are obtained at various predetermined test points, and electronically compared with a stored signature. From the diagnostic decision tree information, a troubleshooting sequence is automatically established which leads directly to a faulty module or component.

Nowhere does Swerling disclose or suggest a remote diagnostic system sends a communication including a revised set of operating instructions based on the analysis of the digitized (signature) waveform.

Kennedy does not make up for the above-noted deficiencies of Hill or Swerling. Kennedy discloses at col. 1, lines 40-55 a system for analyzing operation of a device and determining faults therein, and initiating recovery procedures, where possible, if a fault is determined in the device.

Rosenbaum does not make up for the above-noted deficiencies of Hill, Swerling and Kennedy. Rosenbaum discloses in the Abstract, a system that includes software for operating an analysis device and a system management software for monitoring the device, generating a report on the state of the device and selecting an appropriate response based on the report.


Accordingly, independent claims 6, 11 and 42 define patentable subject matter. Claims 8, 9, 13-15, 17 and 43 depend from the respective independent claims, and therefore also define patentable subject matter. Claims 2, 4, 5, 19, 24-27, 29-31, 33, 37, 39-41 and 44 have been indicated as being allowed.

II. Conclusion

In view of the foregoing, this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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